

**AN ORDINANCE AMENDING SECTION 12.5-340 "CATEGORIES OF DRAINAGE UTILITY RATES" OF CHAPTER 12.5 "ENVIRONMENTAL PROTECTION AND COMPLIANCE" OF THE CODE OF THE CITY OF FORT WORTH (1986), AS AMENDED, BY REVISING AND ADDING CERTAIN RATES AND CHARGES; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; REPEALING ALL ORDINANCES AND PROVISIONS OF THE FORT WORTH CITY CODE IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on January 10, 2006 the City Council of the City of Fort Worth held a public hearing in the City Council Chambers located at 1000 Throckmorton Street, Fort Worth, Texas for the purposes of receiving public comment on a proposed ordinance to establish a municipal Drainage Utility System; and

**WHEREAS**, on January 24, 2006 the City Council of the City of Fort Worth adopted Ordinance No. 16781-1-2006 to establish a municipal Drainage Utility System (M&C G-15066); and

**WHEREAS**, on January 24, 2006 the City Council of the City of Fort Worth also adopted Ordinance No. 16782-1-2006 to amend the City Code by adding Division IV to Article III, Section 12.5-336 through 12.5-347 to Chapter 12.5, entitled "Municipal Drainage Utility System" by which the rules and regulations of the Drainage Utility System would be governed (M&C G-15067); and

**WHEREAS**, on January 10 and January 24, 2006, the City Council directed the City to provide storm water service for all real property in the proposed service area in a nondiscriminatory, reasonable, and equitable terms; and

**WHEREAS**, Chapter 402, Subchapter C of the Texas Local Government Code (the "Act"), as amended, authorizes the City to establish a municipal Drainage Utility System within the boundaries of the City; and

**WHEREAS**, the Act authorizes the City to provide rules for the use, operation and financing of the system; and

**WHEREAS**, the Act authorizes the City to prescribe a basis upon which to fund the municipal Drainage Utility system and to assess the fees and charges to support the municipal Drainage Utility System; and

**WHEREAS**, in setting the schedule of charges for Drainage Utility Service, the calculations are based on an inventory of the parcels within the City and the development on the Benefitted Properties; and

**WHEREAS**, the Act authorizes the City to provide for funding of future construction of the Drainage Utility system from a contribution of the Drainage Utility Fee;

**WHEREAS**, it is the intent of the City to fund a Drainage Utility System that fairly and equitably allocates the cost of storm water control to properties in proportion to storm water runoff potential for each type of property.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

#### **SECTION 1.**

That Section 12.5-340 "Categories Of Drainage Utility Rates" of Chapter 12.5 of the Code of the City of Fort Worth (1986), as amended, is hereby amended to be and read as follow:

#### **SECTION 12.5-340 CATEGORIES OF DRAINAGE UTILITY RATES.**

- (A) The City Council finds that impervious cover increases runoff and associated pollutants. For the purposes of calculating the Drainage Utility Fee, an ERU shall be the established standard billing unit. One ERU shall be billed at two dollars and ninety cents (\$2.90). Each Benefitted Property shall be categorized as one of the following:
- (1) **Residential Property.** Tiers of Residential Property shall be determined based on the most recent Tarrant Appraisal District property data. The median single family residential parcel in Fort Worth has been determined to have approximately 2,600 square feet of impervious area or surface or one (1) ERU.
  - (2) **Non Residential Property.** Fees for Non Residential Benefitted Properties shall be based on the total estimated impervious area on each parcel divided by 2,600 square feet to determine the number of ERUs or billing units.
  - (3) **Multi-Family Residential Property.** Fees for Multi-Family Residential Benefitted Properties shall be based on the total estimated impervious area on each parcel divided by 2,600 square feet to determine the number of ERUs or billing units.

- (B) The City Council finds that it is equitable to assess the Drainage Utility Fee to each Residential user on the basis of four (4) Residential tiers and such rates are hereby established.

Tier	Garage Capacity (Number of Spaces) <sup>1</sup>	Living Area (Square Feet) <sup>1</sup>	Residential Storm Water Monthly Rates
<b>Tier 1</b> (0.5 ERU)	0	0 to 1300	<b>\$1.45</b>
	1	0 to 1040	
	2	0 to 781	
	3	0 to 521	
	4	0 to 262	
<b>Tier 2</b> (1 ERU)	0	1301 to 2475	<b>\$2.90</b>
	1	1041 to 2215	
	2	782 to 1956	
	3	522 to 1696	
	4	263 to 1437	
<b>Tier 3</b> (1.5 ERU)	0	2476 to 3393	<b>\$4.35</b>
	1	2216 to 3133	
	2	1957 to 2874	
	3	1697 to 2614	
	4	1438 to 2355	
<b>Tier 4</b> (2 ERU)	0	3394+	<b>\$5.80</b>
	1	3134+	
	2	2875+	
	3	2615+	
	4	2356+	

<sup>1</sup> – As recorded by Tarrant Appraisal District

- (C) The City Council finds that it is equitable to assess the Drainage Utility Fee to each Non Residential user on the basis of the number of ERU's in a parcel, which shall be obtained by dividing the estimated impervious area or surface by 2,600 square feet. The calculated number of ERU's will be rounded to the nearest whole integer other than zero, to determine the monthly fee.
- (D) The City Council finds that it is equitable to assess the Drainage Utility Fee to each Multi-Family Residential Property owner and user on the basis of the number of ERU's in a parcel, which shall be obtained by dividing the estimated impervious area or surface by 2,600 square feet. The calculated number of ERU's will be rounded to the nearest whole integer other than zero, to determine the monthly fee.
- (E) The City Council finds it equitable to provide for funding of future construction of the Drainage Utility system through a contribution from the Drainage Utility Fee.

- (F) The City Council may review the schedule of rates at any time and may, by ordinance, increase or decrease said rates within the schedule, upon a reasonable determination that said increase or decrease is warranted.

## SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

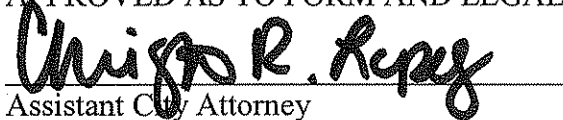
## SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## SECTION 4.

This ordinance shall take effect on March 7, 2006

APPROVED AS TO FORM AND LEGALITY:



Assistant City Attorney

ADOPTED: March 7, 2006

*City of Fort Worth, Texas*  
**Mayor and Council Communication**

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**COUNCIL ACTION: Approved on 3/7/2006 - Ordinance No. 16843-03-2006**

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**DATE:** Tuesday, March 07, 2006

**LOG NAME:** 20DRAIN/RATES

**REFERENCE NO.:** G-15107

**SUBJECT:**

Authorize Adoption of Ordinance Amending Section 12.5-340 of the City Code "Categories of Drainage Utility Rates" by Establishing Rates for the Municipal Drainage Utility System

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**RECOMMENDATION:**

It is recommended that Council adopt the attached ordinance amending Section 12.5-340 of the City Code "Categories of Drainage Utility Rates" by establishing charges for the Municipal Drainage Utility System.

**DISCUSSION:**

On January 24, 2006, (M&C G-15066) the City Council adopted an Ordinance establishing a Municipal Drainage Utility System. City Council also adopted an Ordinance amending the City Code by adding Division IV to Article III, Sections 12.5-336 through 12.5-347, entitled "Municipal Drainage Utility System" to Chapter 12.5 under M&C G-15067.

Pursuant to the Texas Local Government Code, Section 402.045(d), the City published this proposed ordinance in the Star Telegram on January 26, 2006, February 2nd and February 9th. The City Council conducted a Public Hearing on the proposed charges on February 28th at its regularly scheduled City Council meeting and provided notice of such hearing in each publication.

This rate ordinance sets out a specific rate structure that is needed to implement the first year of the Five Year Storm Water Enhancement Program, previously presented to the City Council. Rates for residential and non-residential properties are based upon the amount of impervious cover on a given property. An Equivalent Residential Unit, ERU, of 2600 square feet of impervious cover, is established to calculate the fee for all residential and non-residential properties.

Residential properties are divided into four tiers based upon Tarrant Appraisal District data for living space and number of garages, and corresponds to 0.5 ERU, 1.0 ERU, 1.5 ERU, and 2.0 ERU. The rate for non-residential property is based upon the number of ERU's on the property, as determined from total estimated measurements, rounded to a whole integer.

**FISCAL INFORMATION/CERTIFICATION:**

The Finance Director certifies that adoption of the attached ordinance will have no material effect on City funds at this time.

**TO Fund/Account/Centers**

**FROM Fund/Account/Centers**

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**Submitted for City Manager's Office by:**

Marc Ott (6122)

**Originating Department Head:**

Robert Goode (7804)

**Additional Information Contact:**

George Behmanesh (7914)

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